

ASSEMBLY BILL

No. 346

Introduced by Assembly Member Stone

February 13, 2013

An act to amend Section 1502 of, and to add Section 1502.35 to, the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 346, as introduced, Stone. Emergency youth shelter facilities.

Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. A violation of the act is a misdemeanor.

This bill would include within the definition of a community care facility an emergency youth shelter facility, as defined. The bill would require the department to license emergency youth shelter facilities that have met specified requirements, including the requirement that facility staff shall offer short-term, 24-hour nonmedical care and supervision and personal services to up to 25 youths who voluntarily enter the facility. The bill would require the department to adopt regulations to implement these provisions.

By expanding the definition of a community care facility, this bill would change the definition of an existing crime, thus creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1502 of the Health and Safety Code is
2 amended to read:
3 1502. As used in this chapter:
4 (a) “Community care facility” means any facility, place, or
5 building that is maintained and operated to provide nonmedical
6 residential care, day treatment, adult day care, or foster family
7 agency services for children, adults, or children and adults,
8 including, but not limited to, the physically handicapped, mentally
9 impaired, incompetent persons, and abused or neglected children,
10 and includes the following:
11 (1) “Residential facility” means any family home, group care
12 facility, or similar facility determined by the director, for 24-hour
13 nonmedical care of persons in need of personal services,
14 supervision, or assistance essential for sustaining the activities of
15 daily living or for the protection of the individual.
16 (2) “Adult day program” means any community-based facility
17 or program that provides care to persons 18 years of age or older
18 in need of personal services, supervision, or assistance essential
19 for sustaining the activities of daily living or for the protection of
20 these individuals on less than a 24-hour basis.
21 (3) “Therapeutic day services facility” means any facility that
22 provides nonmedical care, counseling, educational or vocational
23 support, or social rehabilitation services on less than a 24-hour
24 basis to persons under 18 years of age who would otherwise be
25 placed in foster care or who are returning to families from foster
26 care. Program standards for these facilities shall be developed by
27 the department, pursuant to Section 1530, in consultation with
28 therapeutic day services and foster care providers.
29 (4) “Foster family agency” means any organization engaged in
30 the recruiting, certifying, and training of, and providing
31 professional support to, foster parents, or in finding homes or other
32 places for placement of children for temporary or permanent care
33 who require that level of care as an alternative to a group home.
34 Private foster family agencies shall be organized and operated on
35 a nonprofit basis.

(5) “Foster family home” means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.

(6) “Small family home” means any residential facility, in the licensee’s family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

(7) “Social rehabilitation facility” means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

(8) “Community treatment facility” means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Health Care Services pursuant to Section 4094 of the Welfare and Institutions Code.

Nothing in this section shall be construed to prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.

(9) “Full-service adoption agency” means any licensed entity engaged in the business of providing adoption services, that does all of the following:

1 (A) Assumes care, custody, and control of a child through
2 relinquishment of the child to the agency or involuntary termination
3 of parental rights to the child.

4 (B) Assesses the birth parents, prospective adoptive parents, or
5 child.

6 (C) Places children for adoption.

7 (D) Supervises adoptive placements.

8 Private full-service adoption agencies shall be organized and
9 operated on a nonprofit basis. As a condition of licensure to provide
10 intercountry adoption services, a full-service adoption agency shall
11 be accredited and in good standing according to Part 96 of Title
12 22 of the Code of Federal Regulations, or supervised by an
13 accredited primary provider, or acting as an exempted provider,
14 in compliance with Subpart F (commencing with Section 96.29)
15 of Part 96 of Title 22 of the Code of Federal Regulations.

16 (10) “Noncustodial adoption agency” means any licensed entity
17 engaged in the business of providing adoption services, that does
18 all of the following:

19 (A) Assesses the prospective adoptive parents.

20 (B) Cooperatively matches children freed for adoption, who are
21 under the care, custody, and control of a licensed adoption agency,
22 for adoption, with assessed and approved adoptive applicants.

23 (C) Cooperatively supervises adoptive placements with a
24 full-service adoptive agency, but does not disrupt a placement or
25 remove a child from a placement.

26 Private noncustodial adoption agencies shall be organized and
27 operated on a nonprofit basis. As a condition of licensure to provide
28 intercountry adoption services, a noncustodial adoption agency
29 shall be accredited and in good standing according to Part 96 of
30 Title 22 of the Code of Federal Regulations, or supervised by an
31 accredited primary provider, or acting as an exempted provider,
32 in compliance with Subpart F (commencing with Section 96.29)
33 of Part 96 of Title 22 of the Code of Federal Regulations.

34 (11) “Transitional shelter care facility” means any group care
35 facility that provides for 24-hour nonmedical care of persons in
36 need of personal services, supervision, or assistance essential for
37 sustaining the activities of daily living or for the protection of the
38 individual. Program components shall be subject to program
39 standards developed by the State Department of Social Services
40 pursuant to Section 1502.3.

(12) “Transitional housing placement provider” means an organization licensed by the department pursuant to Section 1559.110 and Section 16522.1 of the Welfare and Institutions Code to provide transitional housing to foster children at least 16 years of age and not more than 18 years of age, and nonminor dependents, as defined in subdivision (v) of Section 11400 of the Welfare and Institutions Code, to promote their transition to adulthood. A transitional housing placement provider shall be privately operated and organized on a nonprofit basis.

(13) “Group home” means a residential facility that provides 24-hour care and supervision to children and maintains a structured environment with services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical, except as permitted by Section 1507.25 and subdivision (b) of Section 17736 of the Welfare and Institutions Code.

(14) “Emergency youth shelter facility” means a group home licensed by the department pursuant to Section 1502.35 to provide voluntary, short-term, emergency shelter and personal services to youth who are homeless or at risk of homelessness, as provided in paragraph (2) of subdivision (a) of Section 1502.35.

(b) “Department” or “state department” means the State Department of Social Services.

(c) “Director” means the Director of Social Services.

SEC. 2. Section 1502.35 is added to the Health and Safety Code, to read:

1502.35. (a) The department shall license emergency youth shelter facilities as group homes pursuant to this section. Emergency youth shelter facilities shall meet all of the following requirements:

(1) The facility shall offer short-term, 24-hour, nonmedical care and supervision and personal services to youth who voluntarily enter the facility. As used in this paragraph, “short-term” means no more than 21 consecutive days from the date of admission.

(2) The facility shall serve only youth who are both of the following:

(A) Homeless or at risk of becoming homeless. As used in this paragraph, youth who are “homeless or at risk of becoming homeless” include youth who meet the definitions of “homeless children and youths” and “unaccompanied youth” contained in

1 Section 725 of the McKinney-Vento Homeless Assistance Act (42
2 U.S.C. Sec. 11434a(2) and (6)).

3 (B) Twelve to 17 years of age, inclusive, including youth who
4 have emancipated pursuant to Chapter 3 (commencing with Section
5 7110) of Part 6 of Division 11 of the Family Code, or 18 years of
6 age if the youth is completing high school or its equivalent.

7 (3) The facility shall have a maximum capacity of 25 youths.

8 (4) Facility staff shall, prior to admission into the facility,
9 determine if a youth poses a threat to himself or herself or others
10 in the facility. A youth may not be admitted into the facility if it
11 is determined that the youth poses such a threat.

12 (5) Facility staff shall assess youth served within 72 hours of
13 admission to the facility.

14 (6) Facility staff shall assist youth served in obtaining emergency
15 health-related services.

16 (7) The facility shall have a ratio of one staff person to every
17 eight youths. For purposes of this paragraph, a volunteer shall be
18 counted in the staff-to-youth ratio if the volunteer has satisfied the
19 same training requirements as a paid facility staff member, and a
20 paid facility staff member is present during the time the volunteer
21 is on duty.

22 (8) Bunk beds may be permitted in the facility, but shall not
23 consist of more than two tiers.

24 (9) The facility shall be owned and operated on a nonprofit basis
25 by a private nonprofit corporation, a nonprofit organization, or a
26 public agency.

27 (b) An emergency youth shelter facility shall not be a placement
28 option pursuant to Sections 319, 631.2, 450, and 727 of the Welfare
29 and Institutions Code.

30 (c) An emergency youth shelter facility shall not be eligible for
31 a rate pursuant to Section 11462 of the Welfare and Institutions
32 Code.

33 (d) Prior to employment or interaction with youth at an
34 emergency youth shelter facility, all staff and volunteers shall
35 undergo a criminal background check pursuant to Section 1522
36 and have their names checked on the Child Abuse Index pursuant
37 to Section 1522.1.

38 (e) An emergency youth shelter facility shall collect and
39 maintain all of the following information in a monthly report, in

1 a format specified by the department, and make the report available
2 to the department upon request:

- 3 (1) Total number of youth served per month.
- 4 (2) Name of each youth served.
- 5 (3) Age of each youth served.
- 6 (4) Length of stay of each youth served.
- 7 (5) Number of times a youth accesses shelter and services at
8 the facility.

9 (f) Notwithstanding Section 1522.43, the department shall not
10 require an emergency youth shelter facility to maintain a needs
11 and services plan, as defined in Section 84001 of Title 22 of the
12 California Code of Regulations, for a youth served. Nothing in
13 this subdivision precludes the department from requiring an
14 emergency youth shelter facility to maintain an assessment, as
15 defined by the department, for youths served.

16 (g) The department may license a facility pursuant to this section
17 if the facility is operating in two physical locations on or before
18 January 1, 2013, with only one physical location providing
19 overnight residential care, and the facility meets the requirements
20 of this section. If a facility described in this subdivision is licensed
21 pursuant to this section, the department shall permit the facility to
22 retain its two physical locations and issue a license for each
23 physical location.

24 (h) On or before December 1, 2014, the department shall adopt
25 regulations to implement this section, in consultation with
26 interested parties, including representatives of provider
27 organizations that serve homeless or runaway youth. The
28 regulations developed pursuant to this subdivision shall be
29 contained in the regulations for group homes found in Chapter 5
30 (commencing with Section 84000) of Division 6 of Title 22 of the
31 California Code of Regulations.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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